

C.R.R. 148 of 2024

(CRAN 1 of 2024)

(Circuit Bench at Jalpaiguri)

2.1.2025

Sunil Kr. Barman-vs-State of West Bengal & Ors..

ct.25, S.L. 1
sk

Mr. N. Bhattacharjee,Ld. Sr. Adv.
Sk. Jakir Hossain
...for the petitioner.

Affidavit of service filed by the petitioner is taken on record.

This is an application being CRAN 1 of 2024 in connection with CRR 148 of 2024, which has been disposed of by this Court, vide its earlier order dated September 10, 2024 (at the Circuit Bench at Jalpaiguri).

Copy of the application has been served but none appears for the opposite party/respondent.

Heard learned advocate appearing for the petitioner. He wants the Court to again go into the merits of the case and its previous order dated September 10, 2024 for the reasons that the termination order of the petitioner in the criminal revision case has escaped attention of the Court on the last occasion since mistakenly the same has not been placed before the court, at the time of hearing of the said Criminal revision case.

The Court finds that payment of maintenance to the wife by the petitioner/husband, is the statutory liability of the petitioner to be complied with in view of

the circumstances of the particular case. In this case upon perusal of the order of this Court dated September 10, 2024, it appears that at the first instance the petitioner has not been able to place the record before the Court, which he wants to rely on at this stage. Unfortunate to him, the Court's proceedings should not be considered as a perpetual exercise to actually frustrate, the very purpose of its functioning.

The Court also finds that the able-bodied husband i.e. petitioner would be liable under the law, for providing maintenance to the wife and in that case his termination would be in consequential, so far as compliance by him with the statutory liability for payment of maintenance to the wife, is concerned.

Under such circumstances, the Court is unable to accept submissions made on behalf of the petitioner and finds no merit in the application as filed by the petitioner, as mentioned above.

Hence, the application being CRAN 1 of 2024 is dismissed.

(Rai Chattopadhyay, J.)

